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January 29, 2026

Susanna Molina Rojas  
Clerk of Court  
Appellate Division, First Judicial Department  
27 Madison Avenue  
New York, NY 10010

**Re: Williams et al. v. Board of Elections of the State of New York et al.,  
Appellate Division Index No.2026-00384**

Dear Ms. Rojas:

We represent Appellants-Intervenor-Respondents Congresswoman Nicole Malliotakis and Individual Voters Edward L. Lai, Joel Medina, Solomon B. Reeves, Angela Sisto, and Faith Togba (collectively, "Intervenor-Respondents") in the above-referenced special proceeding. We write in furtherance to our correspondence to the Court on January 26, 2026. Intervenor-Respondents have filed an Emergency Motion for Interim Stay and Stay Pending Appeal in this Court, while also including a request for leave to appeal to the Court of Appeals; Respondents filed a substantially similar motion. Intervenor-Respondents and Respondents have also filed nearly identical stay motions—simply excluding the leave to appeal portions—with the Court of Appeals.

Earlier today, the Court of Appeals issued a letter and Order to Show Cause, signed by Hon. Anthony Cannataro, directing Plaintiffs to address by February 4, 2026 at 5:00 p.m. whether a stay should be granted. See Court of Appeals Letter dated January 29, 2026, attached hereto as Exhibit A, at 3. The Court of Appeals also directed the parties to brief whether the Court of Appeals has jurisdiction. *Id.* at 1.

Given the identical issues raised in the Appellate Division stay motions and the Court of Appeals stay motions, and the expedited briefing schedule already ordered by the Court of Appeals, Intervenor-Respondents respectfully request that this Court adopt the same briefing schedule. Presumably, Plaintiffs will file identical stay oppositions in both courts, with the exception of the leave to appeal issue. Such an approach would permit this Court to decide the extant stay motions without delay, depending on what action the Court of Appeals takes. Further, Intervenor-Respondents respectfully note that if this Court grants their request to permit them to appeal to

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the Court of Appeals, and does so immediately after February 4, that would moot the jurisdictional issues that the Court of Appeals is considering, making it unambiguously clear that the State's highest court can decide this monumentally important, time-sensitive case.

Accordingly, Intervenor-Respondents respectfully request that this Court set a briefing deadline for their Emergency Motion for Interim Stay, Stay Pending Appeal, and Leave to Appeal in the Appellate Division of February 4, 2026. We thank the Court for its attention to this matter.

Respectfully submitted,



Bennet J. Moskowitz

Attachment

CC: Counsel for all Parties by Email

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# EXHIBIT A

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*State of New York*  
*Court of Appeals*

*Heather Davis, Esq.*  
*Chief Clerk and*  
*Legal Counsel to the Court*

*Clerk's Office*  
*20 Eagle Street*  
*Albany, New York 12207-1095*  
*518-455-7700*

January 29, 2026

***Sent via e-mail only***

Troutman Pepper Locke LLP  
Attn: Bennet J. Moskowitz, Esq.  
875 3rd Avenue  
New York, NY 10022-6225

Cullen and Dykman LLP  
Attn: Nicholas J. Faso, Esq.  
80 State Street, Suite 900  
Albany, NY 12207-2541

**Re: Williams v Board of Elections**  
**APL-2026-00010**

Dear Counselors:

The Court has received your respective preliminary appeal statements and proposed orders to show cause. The proposed orders to show cause were reviewed by Judge Cannataro, who signed an order bringing on motions for a stay. No interim stay relief was granted.

You must serve the signed order to show cause as directed therein and provide proof of such service. You must submit the \$45 civil motion in a form permitted by Rule 500.3.

The Court is determining whether it has jurisdiction for the appeals (CPLR 5601). The Court is providing you an opportunity to address these jurisdictional questions:

1. whether simultaneous appeals lie to this Court and the Appellate Division from the same order;
2. whether the order appealed from finally determines the action within the meaning of the Constitution;
3. whether the only issue involved is the constitutional validity of a statute so as to support a direct appeal pursuant to CPLR 5601 (b) (2).

*Williams v Board of Elections*

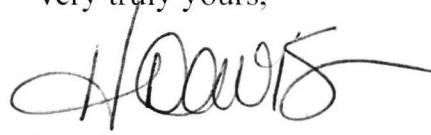
January 29, 2026

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All parties may file letters responsive to this inquiry no later than 5:00 p.m. on Wednesday, February 4, 2026, with proof of service on each other party.

Questions may be directed to the Clerk's Office at 518-455-7700.

Very truly yours,

A handwritten signature in black ink, appearing to read "Heather Davis", with a long horizontal flourish extending to the right.

Heather Davis

HD/RMM/ks

cc: Hon. Anthony Cannataro  
Christopher D. Dodge, Esq.  
Kevin G. Murphy, Esq.  
Andrea Trento, Esq.

# *State of New York Court of Appeals*

Present, Hon. Anthony Cannataro, *Associate Judge*

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Michael Williams et al.,  
Respondents,

v.

Board of Elections of the State of New York, et al.,  
Respondents,

Peter S. Kosinski, et al.,  
Appellants,

Nicole Malliotakis, et al.,  
Intervenors-Appellants.

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Appellants and Intervenors-Appellants having separately appealed to the Court of Appeals and having separately filed proposed orders to show cause seeking to bring on motions to stay the order of Supreme Court, New York County, dated January 21, 2026, in the above-titled matter and requesting interim stay relief as to the same order; and upon due consideration, it is hereby:

ORDERED that respondents are directed to show cause at a motion term to be held on Wednesday, February 4, 2026, why an order should not be entered granting a stay of the January 21, 2026 Supreme Court order; and it is further

ORDERED that appellants and intervenors-appellants serve a copy of this order and all supporting papers upon counsel for all other parties no later than January 29, 2026 by email and overnight service. Any papers opposing the motion shall be served and filed, as directed by the Clerk's Office, no later than 5:00 p.m. on the return date of the motion; and it is further.

ORDERED, that no interim stay relief is granted.



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Hon. Anthony Cannataro  
Associate Judge, Court of Appeals

Dated: New York, New York  
January 29, 2026